REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10 are pending, Claims 1 and 6 having been amended, and Claims 11-19 having been previously canceled without prejudice or disclaimer. Support for the amendment to Claims 1 and 6 is found, for example, in Figs. 5, 6, and in the specification. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-10 were rejected under 35 U.S.C. §103(a) as unpatentable over Hashimoto (U.S. Patent No. 6,335, 909) in view of Applicants' Admitted Art.

Applicant thanks the Examiners for the courtesy of an interview extended to Applicant's representative on September 20, 2005. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. The Examiners agreed that the claims, as amended, distinguished over the art of record. Claims 1 and 6 are amended as discussed during the interview to recite "the focus balance control means continuously changes, during a playback mode, the value of said variable coefficient." Arguments presented during the interview are reiterated below.

By way of background, in a conventional optical disc reproduction apparatus, defocus and detrack adjustments are automatically made at the start of the apparatus.[1] When a user loads an optical disc on an optical disc reproduction apparatus, immediately after reproduction starts the automatic adjustment mode is carried out for a predetermined amount of time to determine the servo adjustment values. During this predetermined amount of time, focusing servo and the tracking servo adjustment values are determined based on errors

[1] Specification, page 1, lines 14-15.

detected during the predetermined time period. Once the focusing servo and tracking servo adjustment values are determined, the disc is started over to begin actual reproduction of the optical disc.[2] During reproduction, the predetermined focusing and tracking servo adjustments are carried out automatically at the start of reproduction and no further adjustments are made during reproduction.

As recognized by the present inventors, a problem in the conventional technique arises when there is a difference between the level of damage at the position of the optical disc when focusing and tracking servo adjustment values are determined and the level of damage at a position of the optical disc when it is reproduced.[3]

Accordingly, one object of the claimed invention is to overcome the above-noted problem in the conventional technique.

With respect to the rejection of Claim 1, Applicants respectfully submit that that the amendment to Claim 1 overcomes the rejection. Amended Claim 1 recites, *inter alia*, "wherein the focus balance control means continuously changes, during a playback mode, the value of said variable coefficient Kf during reproduction, based on the focus error center value and the balance adjusted focus error signal, until a minimum difference is obtained between the focus error signal and the focus error center value." Hashimoto does not describe or suggest at least this element of amended Claim 1.

On the contrary, Hashimoto describes a technique similar to what was discussed above. Hashimoto describes an optical reproduction system for multi-layer discs. Hashimoto is directed toward providing smooth switching operation between different layers of an optical disc. Hashimoto discloses performing automatic adjustment during a pre-playback adjustment mode[4] on a first layer of the optical disc and storing the resultant servo adjustment

[2] Hashimoto, col. 1, lines 50-54.
[3] Specification, page 2, line 19 to page 3, line 4.
[4] Hashimoto, col. 1, lines 43-46, and col. 2, lines 25-40.

values.[5] Then automatic adjustment is also performed on a second layer of the optical disc during the adjustment mode. The resultant servo adjustment values are also stored in the memory. Then during reproduction of the first layer, automatic adjustment is performed only at startup by referring to the memory. There is no continuous adjustment during the reproduction or playback mode. When reproduction is switched from the first layer to the second layer, automatic adjustment is not performed again. The stored servo adjustment values for the second layer are retrieved from the memory and optical reproduction device performs the servo adjustment value only once at the beginning of the reproduction of the second layer of the optical disc.

Hashimoto provides no description or suggestion of focus balance control means continuously changing, during a playback mode, the value of the variable coefficient Kf during reproduction, based on the focus error center value and the balance adjusted focus error signal, until a minimum difference is obtained between the focus error signal and the focus error value.

In addition, Applicants' Admitted Art does not cure the deficiency of Hashimoto.

In view of the above-noted distinction, Applicants respectfully submit that Claim 1 (and Claims 2-5) patentably distinguish over the combination of Hashimoto and Applicant's Admitted Art. In addition, Claim 6 is amended to recite elements similar to those of Claim 1. Thus, Applicants respectfully submit that Claim 6 (and Claims 7-10) patentably distinguish over the combination of Hashimoto and Applicant's Admitted Art for at least the reasons stated for Claim 1.

[5] Hashimoto, col. 2, lines 25-40.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Surinder Sachar
Registration No. 34,423

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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